



**US Army Corps
of Engineers**
Omaha District

PUBLIC NOTICE

Application No: 200040286

Applicant: Canyon Club, Inc.

Waterway: Snake River, Martin Creek & wetlands

Issue Date: April 19, 2001

Expiration Date: May 18, 2001

30 DAY NOTICE

Wyoming Regulatory Office 2232 Dell Range Blvd. Cheyenne, Wyoming 82009-4942

**JOINT NOTICE OF PERMIT PENDING
U.S. ARMY CORPS OF ENGINEERS
AND
WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY**

The application of Canyon Club, Inc., 1 Johnny Counts Road, Jackson, Wyoming, 83001, is being considered by the District Engineer, U.S. Army Corps of Engineers, Omaha, Nebraska, for approval of plans and issuance of a permit under the authority of the Secretary of the Army. A permit, if issued, will be under the provisions of Section 404 of the Clean Water Act of 1972, as amended.

The applicant has requested authorization to construct an 18-hole golf course and associated 50-home residential community known as the Canyon Club. The Canyon Club property covers 284 acres and is located in portions of Sections 8, 16, and 17, Township 38 North, Range 116 West, Teton County, Wyoming (Figure 1)

The overall project purpose is to develop a private, 18-hole, championship golf course of sufficient quality to maximize real estate values and minimize the number of lot sales. The golf course has been designed to be the core focus of the development, having priority over the real estate associated with it. The applicant has identified the following project goals:

Create a golf course with exceptional visual experiences, variety of play (in length and direction), and include at least one "uniquely memorable hole in an outstanding course."

Minimize development sprawl and conceal human structures to preserve the scenic quality of the environment. Home sites are clustered in the southeast portion of the property, an area which provides screening vegetation from views along Highway 26/89 and the Snake River.

Minimize tree removal, wetland impacts, and ground disturbance while maximizing conservation of open space.

Supplement ranching operations on the adjacent River Bend Ranch with income from the Canyon Club in order to protect the working ranch operations in perpetuity. The River Bend Ranch currently hosts a 48.0-acre conservation area for the purposes of protecting a big game migration corridor. As a part of the proposed development, an additional 382.0 acres of land would be permanently protected with a conservation easement for a total 403.8-acre easement on River Bend Ranch (Figure 1).

The proposed golf course development includes construction of a clubhouse, putting range, employee housing, maintenance facilities, parking areas, cart paths, fairways, tees, greens, water features (ponds and connecting streams), and underground utilities. The residential development includes roads, driveways, underground utilities, and 50 building sites. All domestic water will be supplied by wells. Sewage treatment for the majority of the development will be through use of individual septic tanks pumped to a community leach field. The project also includes fish habitat improvements and flow augmentation in Martin Creek and possibly Trout Creek. The water necessary to meet the needs for irrigation will be transported to the property within existing pipes and ditches from the Snake River. A "fertigation" system will be installed that allows for application of minute quantities of fertilizers through the irrigation system with no run-off to prevent the introduction of fertilizer by-products into surface waters.

The applicant completed a wetland delineation for the entire Canyon Club property in August 2000. The Corps verified the accuracy of the delineation on October 27, 2000. The wetland delineation identified 28.9 acres of wetlands and 57.3 acres of other waters of the U.S., including the Snake River and Martin Creek, on the property (Figure 3). The wetland areas were classified as palustrine emergent (9.1 acres) and palustrine scrub-shrub (19.8 acres). The Corps later determined that two wetland areas totaling 1.1 acres were non-jurisdictional based on a U.S. Supreme Court ruling on January 9, 2001, regarding statutory authority of Corps jurisdiction over isolated, intrastate, non-navigable waters. (*Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers.*)

Wetlands would be filled during construction of cart paths, fairways, tees, and greens. Wetlands would also be converted into open water due to excavation of ponds and excavation in Martin Creek to enhance fish habitat (Figures 4 & 5). The total area of jurisdictional wetlands filled would be 1.50 acres and the total area of jurisdictional wetland excavated would be 2.75 acres (Table 1). A total of 0.45 acre of non-jurisdictional wetlands would also be affected (Table 2). Wetlands would be temporarily filled during installation of underground utilities but replacing soil in reverse order of removal and seeding disturbed areas immediately following construction should restore wetland areas. Therefore, no loss of wetlands resulting from utility installation is anticipated. No wetlands would be filled for building construction, including all future residential buildings.

The project also includes excavation and placement of fill in Martin Creek for fish habitat enhancements along the entire 5,000 feet of the creek located within the Canyon Club. Sinuosity of the creek will be increased as much as possible given the topographical restrictions of the site. Habitat improvements would include adding boulders (2 to 6 feet in diameter) at strategic locations, clean gravel in areas conducive to spawning, and clean cobble (2 to 6 inches in diameter) in areas conducive to macro-invertebrate production. The total volume of fill would be approximately 250 cubic yards (cy) of boulders, 500 cy of gravel, and 500 cy of cobble. In addition, approximately 800 cy of woody debris in the form of brush piles, bank deflectors, cross-log revetments, and rootwads would be placed at strategic locations to provide hiding and thermal cover. The plans also include supplementing the water supply for Martin Creek with an additional 3 to 6 cubic feet per second by redirecting water that is currently used for irrigation or securing additional water from wells.

Another opportunity for fish habitat enhancement exists along a spring creek (Trout Creek) located immediately north of the Canyon Club on a portion of the River Bend Ranch. Trout Creek is approximately 1,600 feet in length. The applicant is currently studying the opportunity to supplement flow in the creek and provide fish habitat enhancements similar to those described for Martin Creek. It has been estimated that 80 cy of boulders, 160 cy of clean gravel, 160 cy of clean cobble, and 300 cy of woody debris could be placed in Trout Creek to enhance fish habitat.

The project may include placement of fill in the Snake River for bank stabilization. The applicant has not requested authorization to construct any bank stabilization features at this time. However, if bank stabilization, in the form of spot revetments, were necessary it would be limited to only those locations where it was absolutely deemed essential and beneficial. For instance, it may be necessary to protect the large diameter spruce trees on the northern and southern portions of the property (near label "P6" and "P20" on Figure 5.) The total length of these two areas is approximately 500 linear feet. Revetments would likely involve placing approximately 0.6 cy per foot of large (2 to 4 foot diameter) boulders below the high water level with "geo-cloth" or similar material placed under the boulders and 0.5 cy per foot of smaller rocks (0.5 to 1 foot diameter) above that level. The total volume of rock would be approximately 550 cubic yards. Use of natural material such as logs and willows may be used on a site-specific basis, depending on soil conditions and the likelihood of long term success.

The applicant has proposed mitigation in the form of wetland creation adjacent to open water along the shoreline of ponds and along Martin Creek at eight sites (Figure 6). The total area of wetland creation has been estimated as 2.6 acres and the area of shallow open water created would be 11.4 acres (Table 3). Mitigation also includes a variable setback buffer along the Snake River in a conservation easement that totals 48.0 acres (Figure 1).

The Corps will ensure that the project complies with the National Historic Preservation Act of 1966. The only archeological sites identified in the area are a layer of mixed bison bone and shells; and a lanceolate obsidian point that were found near the old Astoria Hot Spring. Several fire ring sites were found west of the river on National Forest lands. There are no properties or archeological sites located within the project area that are listed on the National Register of Historic Places. The applicant has agreed to have a qualified archaeologist conduct a Class III investigation of the project area. The Corps will consult with the Wyoming State Historic Preservation Officer on the survey results.

The Corps will also ensure that the project complies with the Endangered Species Act of 1972. The Corps has determined that the project is likely to adversely affect bald eagles and that it would have no effect on grizzly bears, canada lynx, gray wolves, or any other threatened or endangered species. The Corps will consult with the U.S. Fish and Wildlife Service concerning the potential effects of the project on listed species.

The Corps is soliciting comments from the public; federal, state, and local agencies; Indian tribes; and other interested parties in order to consider and evaluate the impacts of the project. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental affects, and other public interest factors. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and shall identify what additional information would be obtained. The request must be submitted to the Corps at the address listed above.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife, flood plains, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, and considerations of property ownership. In addition, the evaluation will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404 (b) of the Clean Water Act of 1972, as amended (40 C.F.R.; Part 230).

Any interested party (particularly officials of any town, county, state, federal agency, or local association whose interests may be affected by the project) is invited to submit to this office written facts, arguments, or objections on or before the expiration date of this notice. Any agency or individual having an objection to the project should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted, made a part of the record and will receive full consideration in subsequent actions on this application. All replies to the public notice should be mailed to the address listed above. Mr. Thomas Johnson, telephone number (307) 772-2300, may be contacted for additional information. **Comments received after the close of business on the expiration date of this public notice will not be considered.**

The Wyoming Department of Environmental Quality (WDEQ), Water Quality Division, Herschler Building, 122 West 25th Street, Cheyenne, Wyoming 82002, will review the project with an intent to certify in accordance with provisions of Section 401 of the Clean Water Act of 1972, as amended. The certification, if issued, will express the state's opinion that the project will not result in a violation of applicable water quality standards. The WDEQ hereby incorporates this public notice as its own public notice and procedures by reference thereto.

Table 1

Total jurisdictional wetland impacts for the Canyon Club development					
Symbol	Nature of Impact	Square Feet	Cubic Yards	Acres	Figure
<u>Road Construction</u>					
R1	Bridge over Martin Creek	0	0	0.00	7a
R2	Bridge over Martin Creek	0	0	0.00	7b
R3	Bridge over wetland near Lot 24	0	0	0.00	7c
R4	Culverted road crossing in Martin Creek	480	35	0.01	7d
R5	Road grading, culvert and fill, Lot 41	1,745	130	0.04	7e
R6	Road grading, culvert and fill, Lot 41	920	68	0.02	7f
R7	Bridge over Martin Creek	0	0	0.00	7g
Subtotal		3,145	233	0.07	
<u>Cart Path Construction</u>					
P1	Elevated cart path along Hole 4	0	0	0.00	8a
P2	Cart path, culvert and fill Hole 2	217	16	0.01	8b
P3	Cart path, culvert and fill Hole 3	2,800	208	0.06	8c
P4	Elevated cart path along Hole 3	0	0	0.00	8d
P5	Elevated cart path along Hole 3	0	0	0.00	8e
P6	Cart path culvert and fill along Hole 3	27	2	0.00	8f
P7	Cart path culvert and fill along Hole 3	2,877	213	0.07	8g
P8	Cart path bridge abutments along Hole 4	314	23	0.01	8h
P9	Cart path culvert and fill along Hole 4	436	32	0.01	8i
P10	Cart path culvert and fill along Hole 4	492	36	0.01	8j
P11	Cart path culvert and fill along Hole 5	496	36	0.01	8k
P12	Cart path culvert and fill along Hole 5	303	22	0.00	8l
P13	Cart path culvert and fill along Hole 7	4,163	308	0.10	8m
P14	Cart path culvert and fill along Hole 9	995	74	0.02	8n
P15	Elevated cart path along Hole 9	0	0	0.00	8o
P16	Cart path culvert and fill along Hole 12	162	12	0.00	8p
P17	Elevated cart path along Hole 13	0	0	0.00	8q
P18	Cart path culvert and fill along Hole 13	280	21	0.01	8r
P19	Cart path culvert and fill along Hole 14	169	13	0.00	8s
P20	Cart path culvert and fill along Hole 15	108	8	0.00	8t
P21	Cart path culvert and fill along Hole 16	138	10	0.00	8u
P22	Cart path bridge abutments along Hole 18	591	44	0.01	8v
Subtotal		14,568	1,078	0.32	
<u>Golf Course Construction</u>					
G1	Grading for Hole 2	490	36	0.01	9a
G2	Grading of Hole 3	9,140	677	0.21	9b
G3	Grading of Hole 4	14,843	1,100	0.34	9c
G4	Grading of Hole 4	2,215	164	0.05	9d
G5	Grading for Hole 7	9,678	717	0.22	9e
G6	Grading for Hole 13	12,075	895	0.28	9f
Subtotal		48,441	3,589	1.11	

Table 1 (continued)

Total jurisdictional wetland impacts for the Canyon Club development					
Symbol	Nature of Impact	Square Feet	Cubic Yards	Acres	Figure
<u>Water Feature Construction</u>					
W1	Excavation and pond flooding	20,095	(Water)	0.46	10a
W2	Excavation and pond flooding	29,134	(Water)	0.67	10b
W3	Excavation and pond flooding	3,305	(Water)	0.08	10c
Subtotal		52,534		1.21	
<u>Martin Creek Stream Channel Enhancement</u>					
S1	Excavation of stream channel	6,948	(Water)	0.16	10d
S2	Excavation of stream channel	59,805	(Water)	1.37	10e
Subtotal		66,753	(Water)	1.53	
GRAND TOTAL		185,441		4.25	

Table 2

Total non-jurisdictional wetland impacts for the Canyon Club development.					
Symbol	Nature of Impact	Square Feet	Cubic Yards	Acres	Figure
<u>Cart Path Construction</u>					
NJP1	Cart path and fill along Hole 2	445	33	0.01	8w
<u>Water Feature Construction</u>					
NJW1	Excavation and pond flooding	2,574	Water	0.06	10f
NJW2	Excavation and pond flooding	16,420	Water	0.38	10g
Subtotal		18,994	Water	0.44	
GRAND TOTAL		19,439		0.45	

Table 3

Summary of proposed mitigation sites				
Symbol	Wetland Type	Square Feet	Acres	Figure
M1	SWM	23,243	0.53	11a
M2	SWM	35,905	0.83	11b
M3	SWM	32,122	0.74	11c
M4				
Martin Creek Stream Channel	(Water)	98,862	2.27	
M5				
Pond 1 Open Water	(Water)	141,105	3.24	
M6				
Pond 2 Open Water	(Water)	116,439	2.67	
M7				
Pond 3 Open Water	(Water)	80,721	1.85	
M8				
Pond 4 Open Water	(Water)	60,570	1.39	
GRAND TOTAL		612,485	14.06	

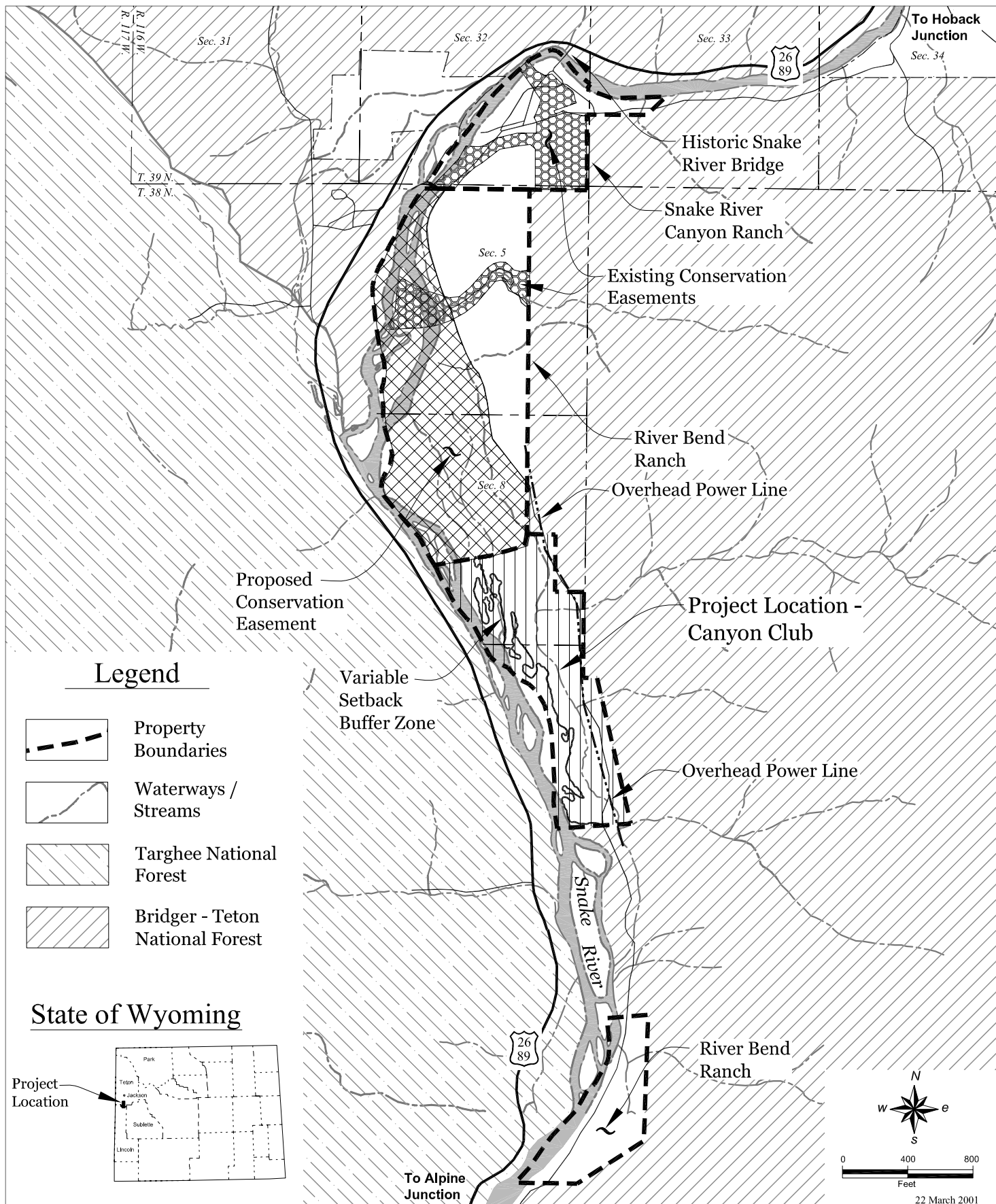


Figure 1

Applicant:

Canyon Club
1 Johnny Counts Road
Jackson, Wyoming 83001

General
Project
Location

Consultants:

404 Permit
Mapping by:



Base map provided by:
Snake River Canyon Ranch &
Kent Berryman & Associates

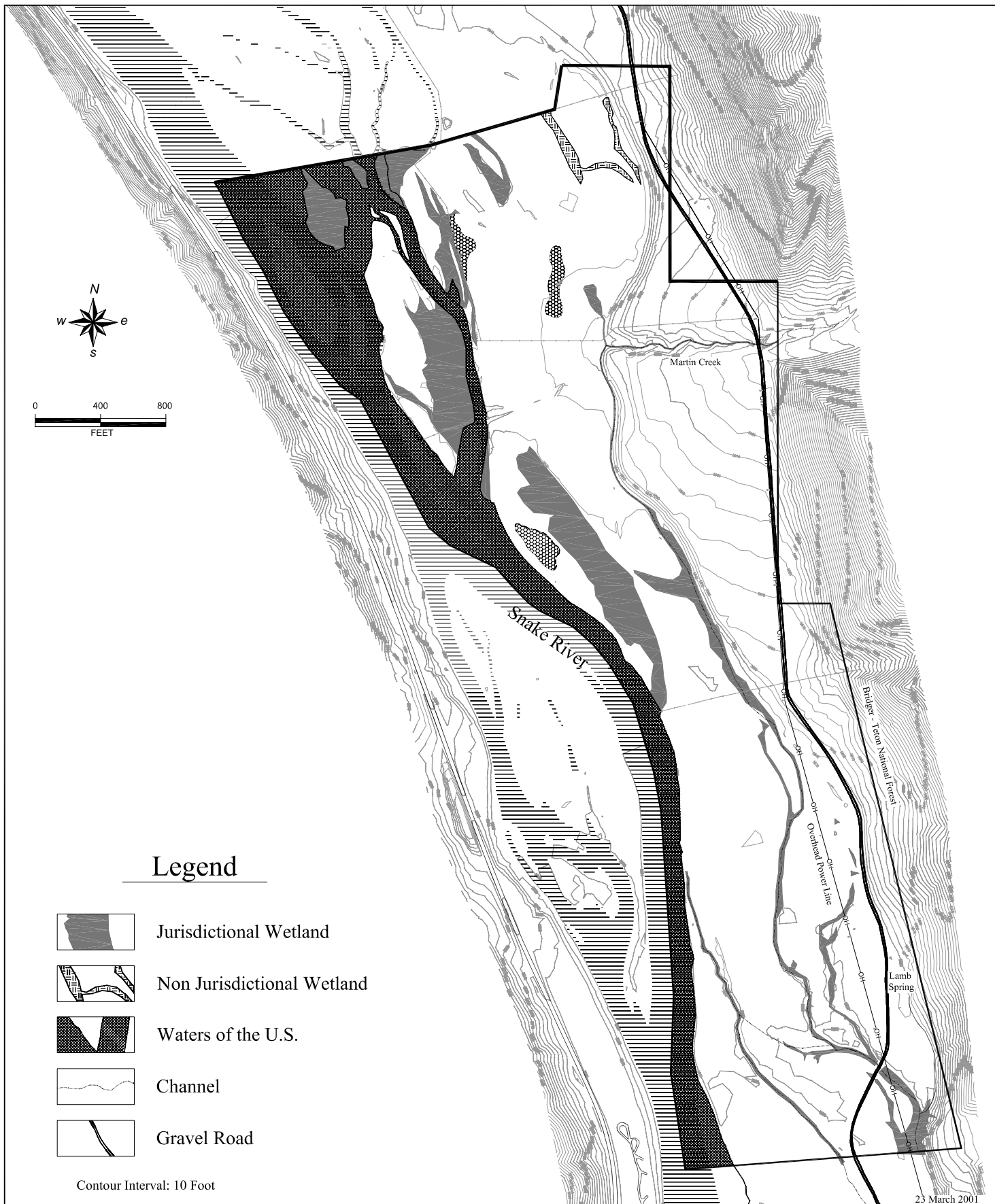


Figure 3

Applicant:

Canyon Club
1 Johnny Counts Road
Jackson, Wyoming 83001

Delineated Wetlands and Waters of the U.S.

Consultants:

404 Permit
Mapping by:



Base map provided by:
Snake River Canyon Ranch &
Kent Berryman & Associates

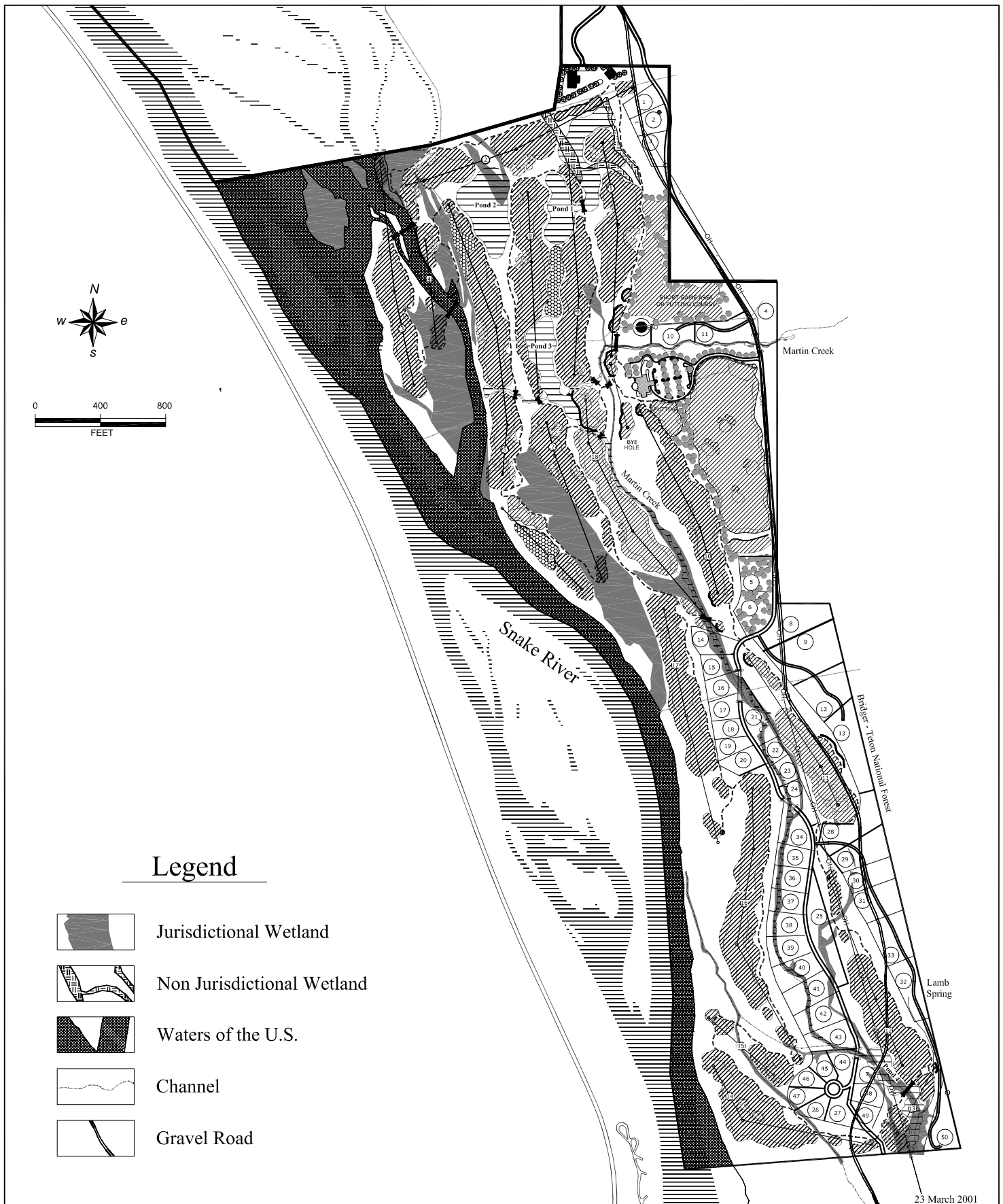


Figure 4

Applicant:

Canyon Club
1 Johnny Counts Road
Jackson, Wyoming 83001

Proposed
Project

Consultants:

404 Permit
Mapping by:



Base map provided by:
Snake River Canyon Ranch &
Kent Berryman & Associates

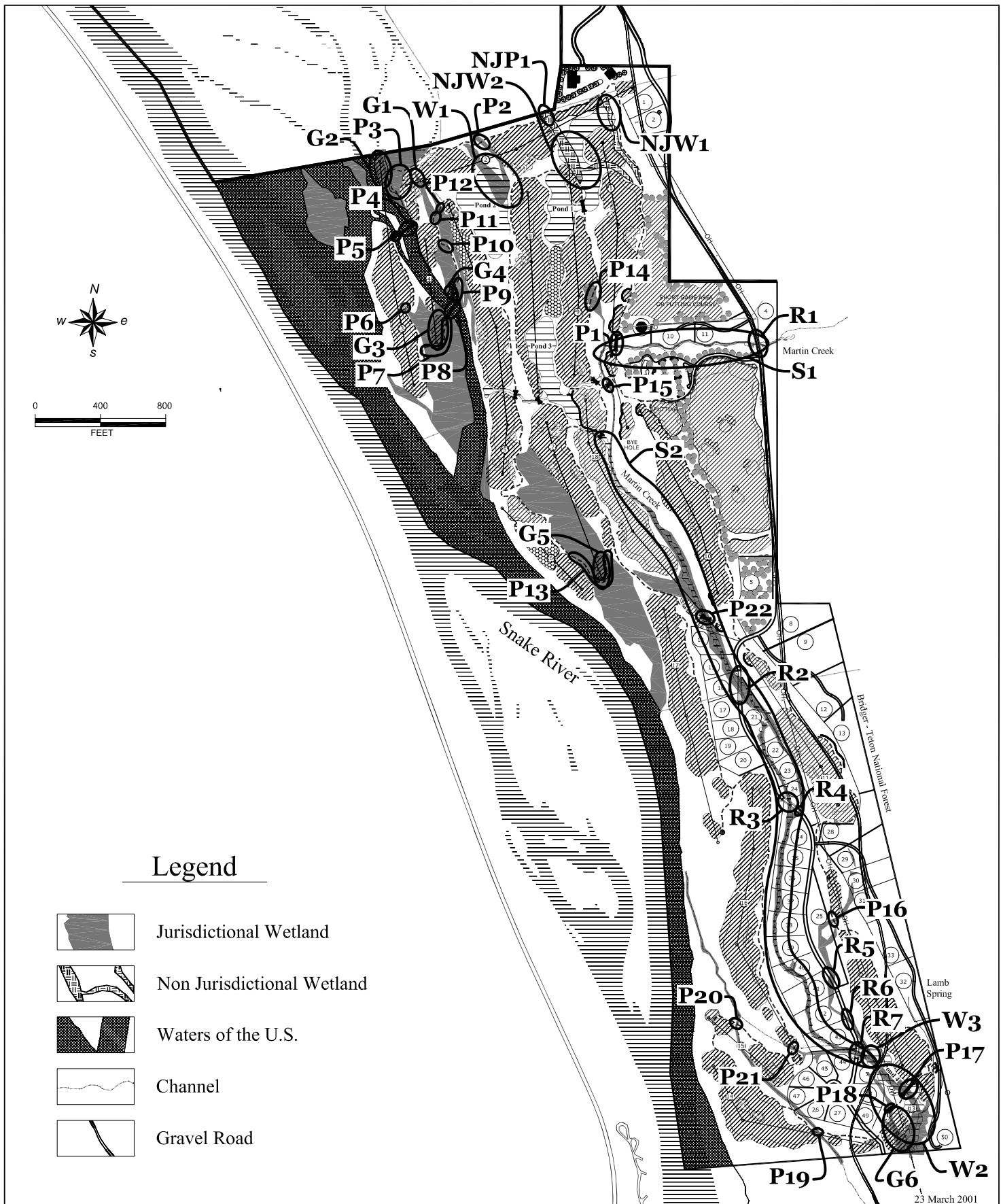


Figure 5

Applicant:

Canyon Club
1 Johnny Counts Road
Jackson, Wyoming 83001

Total Wetland
Impacts within the
Proposed Project

Consultants:

404 Permit
Mapping by:



Base map provided by:
Snake River Canyon Ranch &
Kent Berryman & Associates

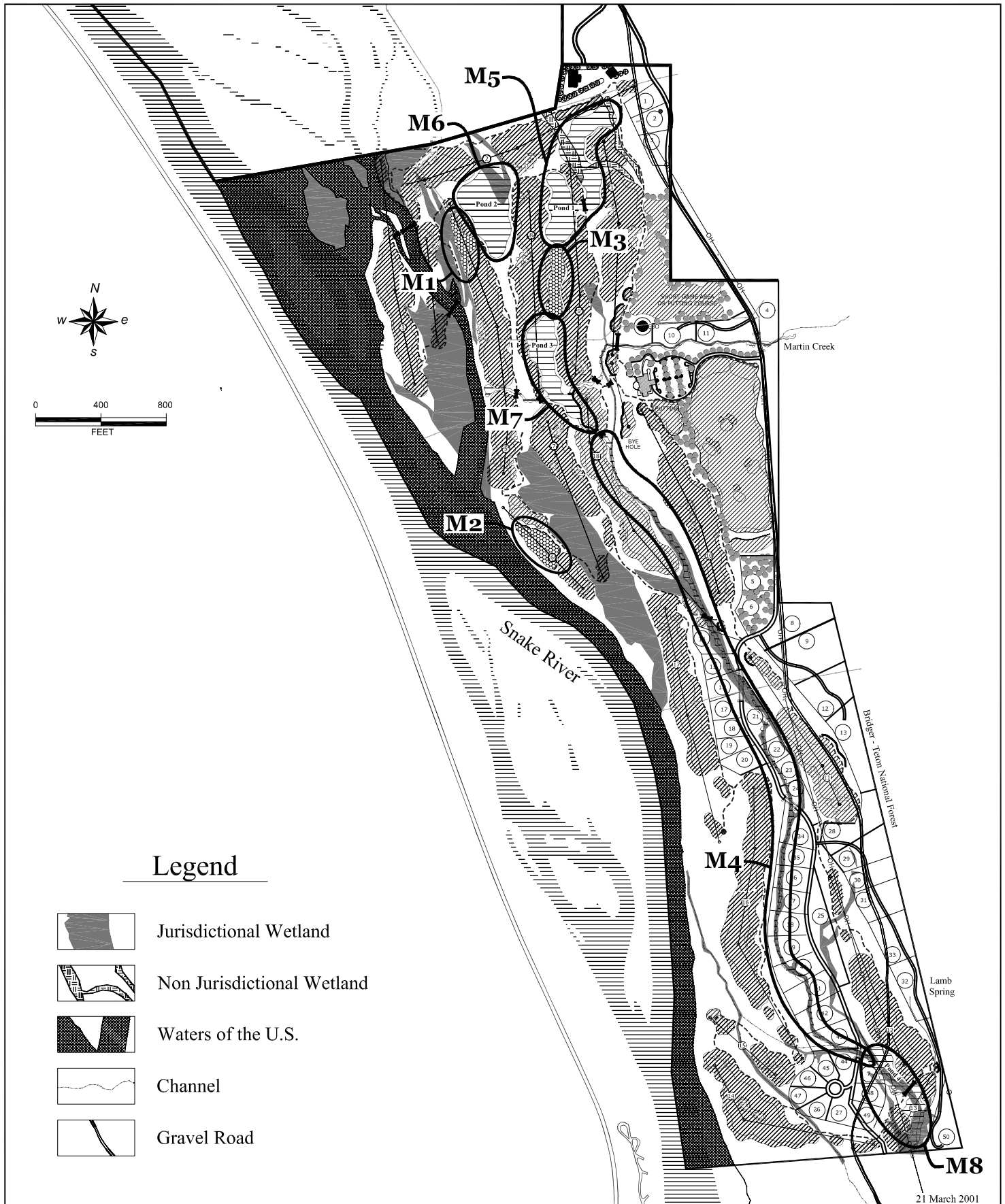


Figure 6

Applicant:

Canyon Club
1 Johnny Counts Road
Jackson, Wyoming 83001

Mitigation Sites within the Proposed Project

Consultants:

404 Permit
Mapping by:



Base map provided by:
Snake River Canyon Ranch &
Kent Berryman & Associates